



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

September 4, 2008

Bruce Keogh
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Bonnie Connelly
Cayucos Sanitary District
P.O. Box 333
Cayucos, CA 93430

Dear Mr. Keogh and Ms. Connelly:

DRAFT REVISED ORDER NO. R3-2008-0065, REISSUANCE OF CLEAN WATER ACT SECTION 301(h) MODIFIED NPDES PERMIT, CITY OF MORRO BAY/CAYUCOS SANITARY DISTRICT, SAN LUIS OBISPO COUNTY

Enclosed for your review and comment is Waste Discharge Requirements Order No. R3-2008-0065, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047881 for the Morro Bay/Cayucos Wastewater Treatment Plant. U.S. Environmental Protection Agency (USEPA) and the Central Coast Water Board are proposing to reissue this NPDES permit. The NPDES permit and US EPA's tentative decision document and a settlement agreement regarding upgrade of the wastewater treatment plant are available at

<http://www.swrcb.ca.gov/centralcoast/Permits/Index.htm>.

USEPA and the Water Board held a joint hearing on May 11, 2006, for the purpose of reissuing the City of Morro Bay and Cayucos Sanitary District Wastewater Treatment Facility's (Discharger) 301(h) modified NPDES Permit, Order No. R3-2006-0019. At that hearing questions arose regarding potential impacts to endangered species in the area from continued discharge from the wastewater facility. The Central Coast Water Board continued the hearing to a later date providing an opportunity to obtain information on the potential impacts. The Water Board transcript for the May 11, 2006 Water Board meeting can be found at the following website address:

<http://www.swrcb.ca.gov/centralcoast/Board/Meetings/documents/MorroBay-CayucosWWTPHearing-5-11-06.pdf>

California Environmental Protection Agency

Specifically, USEPA was to develop an Endangered Species Act Biological Evaluation and request consultation from the U.S. Fish and Wildlife Service (USFWS) regarding "no likely adverse affects" on the southern sea otter and brown pelican. The USEPA's Biological Evaluation proposed the following three conservation measures to minimize the likelihood of any possible adverse effects to listed species:

- Public outreach program to minimize the input of cat litter-box wastes into the municipal sewer systems;
- Regular monitoring of nutrient loading from the facility's ocean outfall; and
- Facility upgrade to at least full secondary or tertiary treatment by 2014.

The USFWS responded to USEPA by letter dated December 21, 2007, stating "[w]e concur with your determination that the proposed project is not likely to adversely affect the brown pelican or southern sea otter."

The USEPA and Water Board are proposing to reissue an NPDES permit and waste discharge requirements that place effluent limitations and special conditions on the discharge from the Morro Bay/Cayucos Wastewater Treatment Plant. USEPA and the Central Coast Water Board will hold a joint public hearing to obtain public comment on December 4-5, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

Interested persons may comment on the proposed permit. Since the December 4-5, 2008 hearing is a continued hearing, comments will only be accepted into the record relevant to revisions addressing new information since the May 11, 2006 hearing, specifically, USEPA's Biological Evaluation and the USFWS concurrence letter as set forth in the hearing notice. Interested persons are invited to submit comments in writing, to either in person or by mail, to the attention of Kathi Moore at the USEPA and David LaCaro at the Water Board at the above contacts. Comments may also be e-mailed to dlacaro@waterboards.ca.gov. The Water Board will accept relevant oral comments at the hearing and the Chair will limit the time for comments.

Please submit all evidence, exhibits, and testimony comments regarding the proposed Waiver in writing to the above address no later than **October 14, 2008**. All relevant evidence, exhibits, testimony, and comments received prior to that date will be considered in the formulation of staff recommendations regarding the waste discharge.

The Central Coast Water Board will not accept comments or other written submissions on the draft Permit after **October 14, 2008**, unless the Central Coast Water Board chairman rules that exclusion would create a severe hardship, and that the late submission will not prejudice any party or the Central Coast Water Board. Any person

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submitting late comments must explain why the materials were not submitted by **October 14 2008**. The Central Coast Water Board Chairman will rule on late submittals at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) are generally prejudicial unless all designated parties and Central Coast Water Board staff have time to consider the evidence before the meeting.

Enclosed is a Joint Notice of Proposed Actions and Continued Hearing (Hearing Notice), which you must post as soon as possible, but at least 30 days before the hearing date, at the principal offices of the City of Morro Bay and Cayucos Sanitary District, and at the U.S. Post Offices of both communities. You must also publish the Hearing Notice in a local newspaper or in a daily newspaper of general circulation at least once and at least 30 days before the hearing.

If you have any comments or questions, please call **David LaCaro at (805) 549-3892** or Burton Chadwick at (805) 542-4786.

Sincerely,


for Roger W. Briggs
Executive Officer

Enclosures:

1. Joint Notice of Proposed Actions
2. Instructions for Public Notice Postings
3. Waste Discharge Requirements Order No. R3-2008-0065, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047881
4. U.S. EPA "Request for Concurrently with EPA Finding of " No likely Adverse Effect" pursuant to Section 7 of the Federal Endangered Species Act for Continued Ocean Discharge from the Morro Bay/Cayucos Wastewater treatment Plant (September 6, 2007).
5. U.S. EPA letter of concurrence from U.S. Fish and Wildlife Service (dated January 8, 2008) with attached U.S. Fish and Wildlife Services letter (December 21, 2007).

cc: (without enclosures)

Note to ccs: The subject documents are too voluminous to send hard copies to each interested party. Please find these documents online at

<http://www.swrcb.ca.gov/centralcoast/Permits/Index.htm>. You may request a hard copy by mail by contacting David LaCaro at (805) 549-3892.

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